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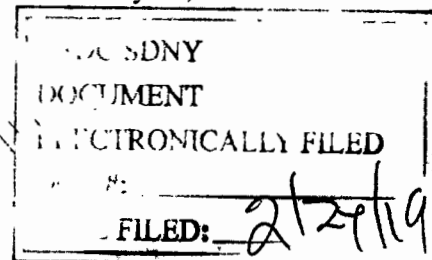
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Hon. Jed S. Rakoff
Daniel P. Moynihan United States Courthouse
500 Pearl Street
New York, NY 10007

Re: United States v. Andy Gyamfi
16 Cr. 521 (CM)

February 26, 2019



Dear Judge Rakoff:

Karloff Commissionong and I are counsel for Andy Gyamfi, and we respectfully request that Your Honor accept this letter motion which is intended to preserve Mr. Gyamfi's appellate rights with respect to whether Hobbs Act robbery, as charged in Count Two, qualifies as a crime of violence under the force clause in 18 U.S.C. § 924(c)(3)(A).

Mr. Gyamfi moves to dismiss Counts Three and Four, respectively charging violations of 18 U.S.C. §§ 924(c) and (j). We acknowledge that controlling law in the Second Circuit prevents Your Honor from granting the motion. *United States v. Hill*, 890 F.3d 51, 60 (2d Cir. 2018) (holding that Hobbs Act robbery categorically constitutes a predicate crime of violence for a § 924(j) conviction because it has as an element the use, attempted use, or threatened use of physical force against the person or property of another). After the amended opinion in *Hill* was issued on May 9, 2018, Hill's applications for rehearing and rehearing en banc were denied by the United States Court of Appeals, Second Circuit. Hill now has a petition for writ of certiorari pending before the United States Supreme Court. A copy of that petition is attached, and Mr. Gyamfi joins in all the arguments therein, including that United States Court of Appeals, Second Circuit, was wrong on the merits of this issue.

Sincerely,

/s/

Donald J. Yannella, Esq.
Karloff Commissionong, Esq.